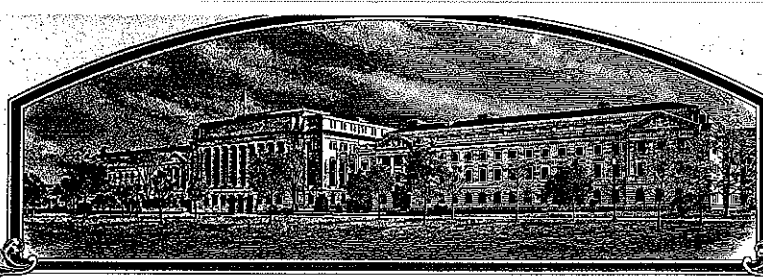


No.

200700051



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Brotherton Seed Co., Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PEA

'Boogie'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this fifteenth day of June, in the year two thousand and seven.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture



**U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE**

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.


Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER Brotherton Seed Co., Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME BSC 610		3. VARIETY NAME BOOGIE	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 451 S. Milwaukee Ave. / PO Box 1136 Moses Lake, WA 98837		5. TELEPHONE (include area code) 509-765-1816		FOR OFFICIAL USE ONLY VPPO NUMBER #200700051 FILING DATE DECEMBER 8, 2006	
		6. FAX (include area code) 509-765-1817			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION WA		9. DATE OF INCORPORATION Feb. 1, 1955	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Jerome Brotherton PO Box 1136 Moses Lake, WA 98837				FILING AND EXAMINATION FEES: \$ 4,382.00 DATE 12/8/06 CERTIFICATION FEE: \$ 768.00 DATE 6/04/2007	
11. TELEPHONE (Include area code) Same		12. FAX (Include area code) Same		13. E-MAIL info@brothertonseed.com	
14. CROP KIND (Common Name) Garden pea		16. FAMILY NAME (Botanical) Leguminosae		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP Pisum sativum L.		17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit g. <input checked="" type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) h. <input checked="" type="checkbox"/> Filing and Examination Fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)				20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23) 21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED 22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)				24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO See reverse IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	

25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER 		SIGNATURE OF OWNER	
NAME (Please print or type) Jerome Brotherton		NAME (Please print or type)	
CAPACITY OR TITLE President	DATE 12/04/2006	CAPACITY OR TITLE	DATE 12/04/2006

GENERAL INSTRUCTIONS: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E, F; (3) for a tuber reproduced variety, verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; and (4) payment by credit card or check drawn on a U.S. bank for \$4,382 (\$518 filing fee and \$3,864 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice). **NEW:** With the application for a seed reproduced variety or by direct deposit soon after filing, the applicant must provide at least 3,000 viable untreated seeds of the variety *per se*, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to reproduce the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a payment by credit card or check payable to "Treasurer of the United States" in the amount of \$768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

Plant Variety Protection Office
Telephone: (301) 504-5518 **FAX:** (301) 504-5291
General E-mail: PVP@mail.usda.gov
Homepage: <http://www.ams.usda.gov/science/pvpo/PVPIndex.htm>

SPECIFIC INSTRUCTIONS:

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, **Seed Regulatory and Testing Branch**, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870. <http://www.ams.usda.gov/lsg/seed.htm>.

ITEM

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
(2) the details of subsequent stages of selection and multiplication;
(3) evidence of uniformity and stability; and
(4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
(2) attach replicated statistical data for characters expressed numerically and demonstrate that these are clear differences; and
(3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

Jan. 18, 2006, van Waveren Saaten GmbH, Germany; Apr. 26, 2006, National Frozen Foods, Moses Lake, WA - Both for Trials

24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

EEC Application filed November 23, 2006, was incomplete, to be refiled soon, #2006/2401

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Application No. 200700051, Pea, 'Boogie'**EXHIBIT A. Origin and Breeding History of the Variety BOOGIE**

BOOGIE originated from a cross of the Syngenta variety ALADDIN by the Seminis variety LAZOR. This cross was made in the Brotherton Seed Company greenhouse at Moses Lake, WA, in the fall of 1995. The F1 was grown in the field at Moses Lake the next spring. In the fall of 1996, 252 seeds from those F1 plants were planted in the greenhouse. Seed from all of the afile F2 plants was bulked together and planted, as F3 row number 714, in our breeding nursery at Moses Lake in the spring of 1997. Fourteen single-plant selections were harvested from that row. Pedigree selection followed with one generation each year in the Brotherton nurseries at Moses Lake. The third of those 14 selections was grown as row 3139 in 1998. The third of three selections from that F4 row was grown as F5 row 7072 in 1999. The third of four selections from that row became F6 row 8044 in 2000. Three selections were made from that row and the remaining plants were harvested in bulk. Portions of this bulk were used as an entry in our yield trials in Moses Lake in 2001 and the remainder was increased as the initial stock of the potential new variety. This stock was subsequently found to be contaminated with a mixture and was discarded; however, the line performed well in the 2001 trial, justifying further evaluation of that progeny. Meanwhile the three single-plant selections from the F6 row were planted in 2001 as F7 rows 8380, 8382, and 8383. Seed from row 8380 was harvested in bulk and became the source of the variety now designated as BOOGIE. Seed from sister row 8382 was used to represent the new variety in the 2002 Brotherton trials, again performing very well. The seed was multiplied on the Brotherton Trial Grounds in 2002, 2003, and 2004, the stock was then sent to Yuma Arizona for increase in the winter of 2004-2005. Meanwhile, trailing continued in the Brotherton trials, in both the mid-season and main-crop maturity groupings beginning in 2003. The variety was entered in plot trials at the University of Guelph's Ridgetown College and at the University of Minnesota Southern Experiment Station in 2004, in Italy in the winter of 2004-2005, in Belgium and with DelMonte in Illinois in 2005. Larger-scale seed production began in 2005 and initial field-scale trials were conducted in 2006 with National Frozen Foods and Quincy Foods and, on a smaller scale, in Europe through our agent Van Waveren. Commercial-scale seed production was grown in 2006 for introduction in 2007.

During pedigree selection, our goal was to select vigorous plants with triple pods on rather short, sturdy, determinate plants. We looked for long and wide pods with dark berry color and good pea flavor. Samples were also evaluated in outside nurseries for disease tolerance: At Corvallis, OR, for response to PEMV (susceptible) and RCVMV (intermediate) in 1999 and 2002; at Waseca, MN, for tolerance to Aphanomyces root rot (above average) in 2000; Downy Mildew tolerance was rated as average in England in 2003 and very good in Germany in 2004, good in Germany in 2005, and very good in Germany in 2006; root rot

tolerance (mostly Fusarium) was rated as very good in our disease nursery near Moses Lake in both 2004 and 2005. Sufficient naturally occurring Powdery Mildew (resistant) and FBLRV (resistant) were seen in our nurseries in some years to allow reactions to be noted. A good level of frost tolerance was also noted for this variety in our trials in 2002.

BOOGIE is uniform and stable. Over six seasons of production, and millions of plants directly observed, no evidence has been seen of variants or off-types in this variety.

EXHIBIT B. STATEMENT OF DISTINCTNESS

BOOGIE is unique and distinguishable from all other varieties. It is most similar to its parent variety, ALADDIN. Boogie is distinguishable from ALADDIN in:

i. Pod and pea color

BOOGIE has darker pods and berries at the green harvest stage compared to ALADDIN. Using The Royal Horticultural Society Colour Chart the following color differences in pod and pea color were found.

VARIETY	POD COLOR	PEA COLOR
BOOGIE	143B	143B
ALADDIN	144B	144C

These differences in color were consistent when both varieties were evaluated and observed at Moses Lake trials from 2003 to 2006(see also the photos that were previously attached to the application).

ii. BOOGIE produces three pods per node where as ALADDIN produces only two

iii. ALADDIN and BOOGIE were compared in Brotherton Seed Company's yield trials in the years 2003, 2004, 2005, and 2006 in Moses Lake. (ALADDIN was not included as a check in the trials in which BOOGIE was tested in 2001 and 2002.) Each trial had four replications. Plots were six rows spaced at 20cm and were 3m long. Plots were harvested by hand pulling a 2.5m by four row (two or three rows in some high yielding replicates) area from the middle of each plot. The harvested plants were run through a plot-scale viner to separate the peas. The sample was then cleaned and weighed and tested for tenderometer reading. All entries in a replicate were harvested on the same day. Sample weights were adjusted to a value for a common tenderometer reading of 100, using a proprietary adjustment curve. Adjusted yields were analyzed using Nearest Neighbor Analysis. Although a paired samples t-test analysis of the 4 advanced trials showed no statistically significant differences in yield, harvest maturity and plant height of BOOGIE and ALADDIN, the former had a

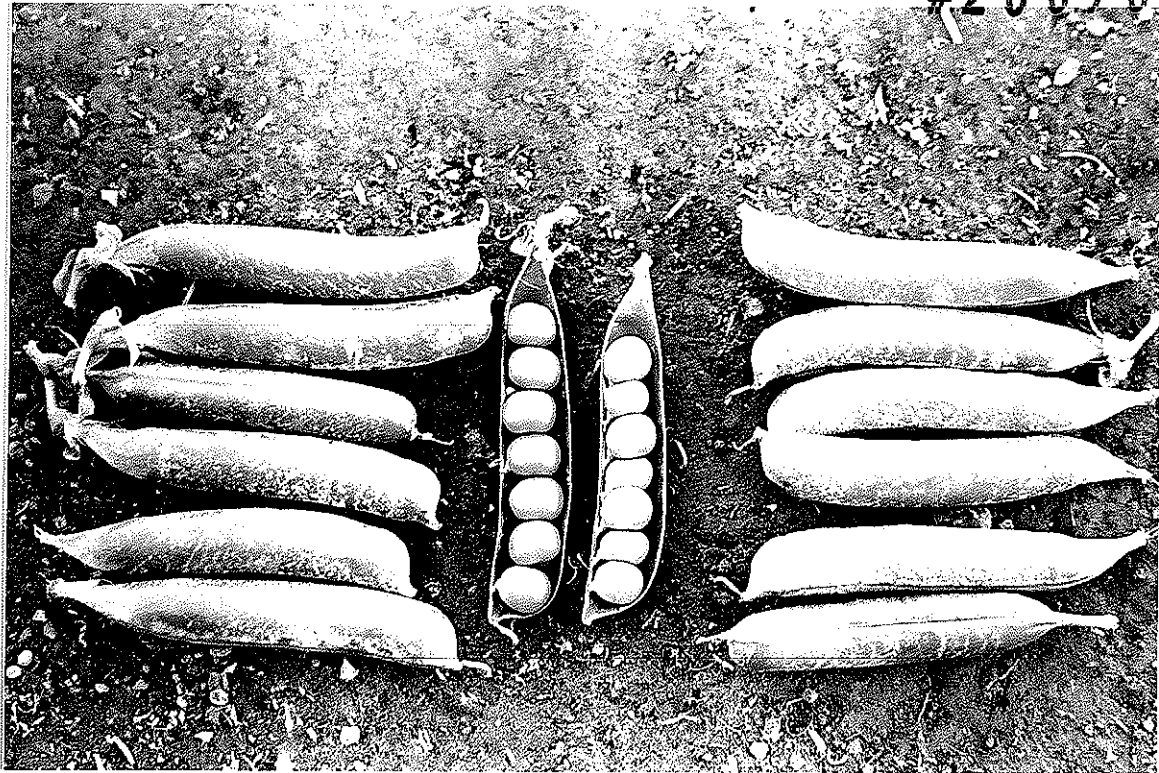
2001 00051

higher yield mean (3.68 tons/acre compared to 2.94 tons/acre), was half a day later and was slightly taller (22.0 cm compared to 21.5 cm)

NAME CHECK

The proposed variety name "BOOGIE" has been checked and cleared with the Seed Regulatory and Testing Branch to avoid conflicts with other variety names. No other application for protection of this variety has been submitted in another country.

#200700051



BOOGIE (left) vs. ALADDIN (right)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 2.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY
Pea (*Pisum sativum* L.)

NAME OF APPLICANT (S) Brotherton Seed Co., Inc.	TEMPORARY OR EXPERIMENTAL DESIGNATION BSC 1610	VARIETY NAME BOOGIE
ADDRESS (Street and No. or RD No., City, State, Zip Code and Country) 451 S. Milwaukee Ave. PO Box 1136 Moses Lake, WA 98837		FOR OFFICIAL USE ONLY PVPO NUMBER #200700051

PLEASE READ ALL INSTRUCTIONS CAREFULLY: Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (e.g., 0 9 9 or 0 9) when the number is either 99 or less or 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used: Royal Horticultural Society. Please answer all questions for your variety; lack of response may delay progress of your application.

1. TYPE:

☐ 1 = Garden ☐ 2 = Field ☐ 3 = Edible-podded ☐ 4 = Other (Specify) _____

2. MATURITY:

☐ 14 Node Number of First Bloom: ☐ 0 ☐ 6 ☐ 8 No. of Days Processing ☐ 1 ☐ 4 ☐ 9 ☐ 0 Heat Units

☐ 0 ☐ 2 No. of Days Earlier Than ☐ 4 } 1 = Alaska 2 = Thomas Laxton WR 3 = Little Marvel
Days Same As ☐ } 4 = Wando 5 = Alderman WR 6 = Australian Winter
☐ 0 ☐ 4 No. of Days Later Than ☐ 3 } 7 = Other (Specify) _____

3. PLANT HEIGHT:

☐ 0 ☐ 6 ☐ 4 cm High
☐ 0 ☐ 9 cm Shorter Than ☐ 4 Name of Check Cultivar WANDO
Same As ☐ Same as Check Cultivar _____
☐ 1 ☐ 9 cm Taller Than ☐ 3 Name of Check Cultivar LITTLE MARVEL

4. VINE:

☐ 1 Habit: 1 = Determinate 2 = Indeterminate
☐ 1 Branching: 1 = None (Alaska) 2 = 1-2 Branches (Little Marvel) 3 = More than 2 Branches (Dwarf Gray Sugar)
☐ 2 Internodes: 1 = Straight 2 = Zig Zag ☐ 2 ☐ 1 Number of Nodes
☐ 2 Stockiness: 1 = Slim (Alaska) 2 = Medium (Thomas Laxton WR) 3 = Heavy (Alderman)

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5. LEAFLETS:

- ☐ Color: 1 = Light Green (Alaska WR) 2 = Medium Green (Thomas Laxton WR) 3 = Dark Green (Alderman)
4 = Other (Specify) _____ 5 = Blue Green 6 = Yellow Green 0 = Not Applicable
- ☐ Wax: 1 = None 2 = Light 3 = Medium 4 = Heavy 0 = Not Applicable
- ☐ Molding: 1 = Not Marbled 2 = Marbled (Alaska) 0 = Not Applicable
- ☐ Number of Leaflet Pairs: 1 = Not Paired 2 = One 3 = Two 4 = Three or More 0 = Not Applicable
- ☐ Leaflet Type: 1 = Leafless 2 = Semi 3 = Normal

6. STIPULES:

- ☐ 1 = Lacking 2 = Present ☐ 1 = Not Clasping 2 = Clasping ☐ 1 = Not Marbled 2 = Marbled
- ☐ Size (Compared with Leaflets): 1 = Smaller 2 = Same 3 = Larger 0 = Not Applicable
- ☐ Color (Compared with Leaflets): 1 = Lighter 2 = Same 3 = Darker 0 = Not Applicable
- ☐ Color: 1 = Light Green 2 = Medium Green 3 = Dark Green 4 = Blue Green 5 = Yellow Green 0 = Not Applicable

Color Chart Value: 137A

Select the Color Chart Used to Determine the Values:

- ☒ Royal Horticulture Society Colour Chart
☐ Munsell Color Chart
☐ Other _____

- ☐ Stipule Size: 1 = Small 2 = Medium 3 = Large

Please Provide Comparative Varieties (Check Varieties) and Stipule Color

	Variety (1)	Variety (2)	Variety (3)
Variety Name:	<u>ALADDIN</u>		
Stipule Size:	<u>same</u>		
Color:	<u>same</u>		
Color Chart Value:	<u>137A</u>		

7. FLOWER COLOR:

- ☐ Venation ☐ Standard ☐ Wing ☐ Keel
- 1 = White 2 = Greenish 3 = Lavender 4 = Purple 5 = Red 6 = Other (Specify) _____

8. PODS:

- ☐ Shape: 1 = Straight 2 = Slightly Curved 3 = Curved
- ☐ End: 1 = Pointed (Alderman) 2 = Blunt (Alaska)
- ☐ Color: 1 = Light Green (Alaska WR) 2 = Medium Green 3 = Dark Green (Alderman)
4 = Other (Specify) _____ 5 = Blue 6 = Purple 7 = Yellow
- ☐ Surface: 1 = Smooth 2 = Rough ☐ Surface: 1 = Shiny 2 = Dull
- ☐ Borne: 1 = Single 2 = Double 3 = Single and Double 4 = Single, Double & Triple 5 = Double & Triple
6 = Triple 7 = Other (Specify) _____ 8 = Quad, Single, Double, Triple 9 = Quad
- ☐ 08.4 cm Length ☐ 14 mm Width (Between Sutures) ☐ 07 No. Seeds Per Pod

9. SEEDS: (95-100 Tenderometer)

- ☐ Color: 1 = Light Green 2 = Green 3 = Dark Green 4 = Other (Specify) _____
5 = Yellow 6 = Brown 7 = Yellow Green

	1	2	3	4	5	6	7	8	Average
Seive: %	<u>02</u>	<u>06</u>	<u>15</u>	<u>26</u>	<u>30</u>	<u>19</u>	<u>02</u>	<u>00</u>	<u>4.4</u>

#200700051

9. SEEDS: (cont.) (Dry-Mature)

<input type="text" value="2"/>	Shape:	1 = Flattened	2 = Angular	3 = Oval	4 = Rounded																				
<input type="text" value="3"/>	Surface:	1 = Smooth	2 = Dimpled	<input type="text" value="2"/>	Luster: 1 = Shiny 2 = Dull																				
		3 = Wrinkled																							
<input type="text" value="1"/>	Color Pattern:	1 = Monocolor	2 = Mottled	3 = Striped	4 = Dotted																				
<input type="text" value="5"/>	Primary Color:	<table border="0"> <tr> <td>1 = Creamy White</td> <td>2 = Cream & Green</td> <td>3 = Light Green</td> <td>4 = Medium Green</td> </tr> <tr> <td>5 = Dark Green</td> <td>6 = Blue Green</td> <td>7 = Yellow</td> <td>8 = Brown</td> </tr> <tr> <td>9 = Red</td> <td>10 = Gray</td> <td>11 = Black</td> <td>12 = Salmon</td> </tr> <tr> <td>13 = Purple</td> <td>14 = Tan</td> <td>15 = White</td> <td>16 = Pink</td> </tr> <tr> <td>17 = Yellow Green</td> <td></td> <td></td> <td></td> </tr> </table>				1 = Creamy White	2 = Cream & Green	3 = Light Green	4 = Medium Green	5 = Dark Green	6 = Blue Green	7 = Yellow	8 = Brown	9 = Red	10 = Gray	11 = Black	12 = Salmon	13 = Purple	14 = Tan	15 = White	16 = Pink	17 = Yellow Green			
1 = Creamy White	2 = Cream & Green					3 = Light Green	4 = Medium Green																		
5 = Dark Green	6 = Blue Green					7 = Yellow	8 = Brown																		
9 = Red	10 = Gray					11 = Black	12 = Salmon																		
13 = Purple	14 = Tan					15 = White	16 = Pink																		
17 = Yellow Green																									
<input type="text" value=""/>	Secondary Color:																								
<input type="text" value="1"/>	Hilum Color:	1 = White	2 = Tan	3 = Black																					
<input type="text" value="1"/>	Cotyledon Color:	1 = Green	2 = Yellow	3 = Orange 4 = Cream																					
<input type="text" value="21"/>	Grams per 100 Seeds																								

10. DISEASE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Moderately Resistant, 4 = Moderately Susceptible, 5 = Tolerant)

<input type="text" value="2"/>	Fusarium Wilt – Race 1	<input type="text" value="1"/>	Fusarium Wilt (Near Wilt) – Race 2
<input type="text" value="0"/>	Ascochyta Blight	<input type="text" value="0"/>	Common Mosaic
<input type="text" value="0"/>	Bacterial Blight	<input type="text" value="1"/>	Pea Enation Mosaic Virus
<input type="text" value="3"/>	Downy Mildew	<input type="text" value="1"/>	Seedborne Mosaic Virus
<input type="text" value="2"/>	Powdery Mildew	<input type="text" value="0"/>	Yellow Bean Mosaic Virus
<input type="text" value=""/>	Other (Specify) _____	<input type="text" value="2"/>	Leaf Roll Virus
<input type="text" value=""/>	Other (Specify) _____	<input type="text" value=""/>	Other (Specify) _____

11. INSECT: (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Moderately Resistant, 4 = Moderately Susceptible, 5 = Tolerant)

<input type="text" value="0"/>	Aphids	<input type="text" value=""/>	Other (Specify) _____
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12. Additional information on any item above, or general comments that may aid in identification:

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

**EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP**

1. NAME OF APPLICANT(S) Brotherton Seed Co., Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER BSC 610	3. VARIETY NAME BOOGIE
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 451 S. Milwaukee Ave. PO Box 1136 Moses Lake, WA 98837	5. TELEPHONE (Include area code) (509) 765-1816	6. FAX (Include area code) (509) 765-1817
	7. PVPO NUMBER	

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. **#200700051** ☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO

10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☒ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

The variety BOOGIE was developed by Teddy L. Lund, an employee of Brotherton Seed Co., Inc. All rights to varieties developed by employees are vested in Brotherton Seed Co., Inc.

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

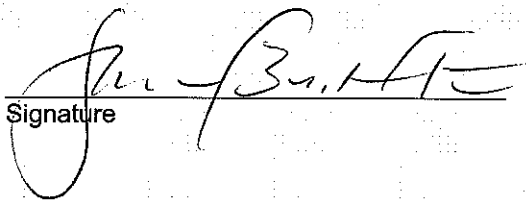
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**U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705**

**EXHIBIT F
DECLARATION REGARDING DEPOSIT**

NAME OF OWNER (S) Brotherton Seed Co., Inc.	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 451 S. Milwaukee Ave. PO Box 1136 Moses Lake, WA 98837	TEMPORARY OR EXPERIMENTAL DESIGNATION BSC 610 VARIETY NAME BOOGIE
NAME OF OWNER REPRESENTATIVE (S) Jerome Brotherton	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 451 S. Milwaukee Ave. PO Box 1136 Moses Lake, WA 98837	FOR OFFICIAL USE ONLY PVPO NUMBER <div style="font-size: 2em; font-weight: bold;">#200700051</div>

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

X 
 Signature

12/04/2006
 Date